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PTO/SB/32 (03-04)

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# REQUEST FOR ORAL HEARING BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Docket Number (Optional)

3207/22US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on May 10, 2004.

Signature

Typed or printed

name Frederick Yu, Reg. No. 45,251

In re Application of  
William M. KleinfelterApplication Number  
09/348,774

Filed

July 7, 1999

For PRESCRIPTION DATA PROCESSING SYSTEM...

Art Unit  
3626

Examiner

Robert W. Morgan

Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 1.17(d))

\$ 290.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:
- ☒ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. . I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/98)
- ☒ attorney or agent of record.  
Registration number 45,251
- ☐ attorney or agent acting under 37 CFR 1.34(a).  
Registration number if acting under 37 CFR 1.34(a).

Signature

Frederick Yu

Typed or printed name

212-895-2000

Telephone number

May 10, 2004

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of forms are submitted.

This collection of information is required by 37 CFR 1.194(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-0169 and select option 2.

BOARD OF PATENT  
APPEALS &  
INTERFERENCES

JUL 28 2004

BROWN RAYSMAN MILLSTEIN FELDER &  
STEINER LLP  
PATENT ACCOUNT  
900 - 3RD AVENUE  
NEW YORK, NY 10022-4728

2592

DATE 5/10/04

1-280  
210PAY  
TO THE  
ORDER OF

COMMISSIONER FOR PATENTS

\$ 290.<sup>00</sup>/<sub>100</sub>Two hundred ninety + <sup>00</sup>/<sub>100</sub>

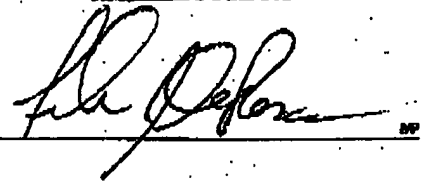
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NEW YORK, NY 10043

The Citigroup Private Bank

FOR 3207-22 us Reg for Oraq Hearing



⑈002592⑈+⑈021000089⑈04151607⑈

Date: May 10, 2004  
Applicant(s): Kleinfeiler  
Serial No.: 09/348,774  
Filed: July 7, 1999  
For: PRESCRIPTION DATA PROCESSING SYSTEM FOR DETERMINING  
NEW THERAPY STARTS

Docket No.: 3207-22US  
FY:ami

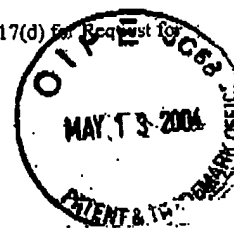
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the individual receiving this correspondence, please check the contents enclosed herewith and verify that the following items were enclosed by date stamping and placing this post card in the out-going mail. Thank you.

- Reply Brief
- Request for Oral Hearing
- Check in the amount of \$290 for fee under 37 CFR 1.17(d) for Request for Oral Hearing
- Return receipt postcard

Mailing Date: May 10, 2004

MAIL DATE CANCEL



**United States Patent and Trademark Office****Under Secretary of Commerce for Intellectual Property and  
Director of the United States Patent and Trademark Office****P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov****BROWN, RAYSMAN, MILLSTEIN,  
FELDER & STEINER LLP  
900 THIRD AVENUE  
NEW YORK, NY 10022****Paper No: 20  
Appeal No: 2004-1787  
Application: 09/348,774  
Appellant: WILLIAM, M. KLEINFELTER****Board of Patent Appeals and Interferences  
Docketing Notice**

Application 09/348,774 was received from the Technology Center at the Board on July 15, 2004 and has been assigned Appeal No: 2004-1787.

A review of the file indicates that the following documents have been filed by appellant:

Appeal Brief filed on: November 10, 2003  
Reply Brief filed on: NONE  
Request for Hearing filed on: NONE

In all future communications regarding this appeal, please include both the application number and the appeal number.

The mailing address for the Board is:

**BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450**

The facsimile number of the Board is 703-308-7952. Because of the heightened security in the Washington D.C. area, facsimile communications are recommended. Telephone inquiries can be made by calling 703-308-9797 and should be directed to a Program and Resource Administrator.

**RECEIVED JUL 22 2004**

By order of the Board of Patent Appeals and Interferences

Docket Date: \_\_\_\_\_

Docket No.: 3207-2205Attorney(s): SHO/AY/ARA

Action: \_\_\_\_\_

Action Date: \_\_\_\_\_

**MAILED****JUL 19 2004****PAI. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

PATENT  
Attorney Docket No.: 3207/22US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

William M. Kleinfelter

Serial No: 09/348,774

Filed: July 7, 1999

For: PRESCRIPTION DATA  
PROCESSING SYSTEM FOR  
DETERMINING NEW THERAPY  
STARTS

Art Unit: 3626

Examiner: Robert W. Morgan

Appeal No.: 2004-1787

BOARD OF PATENT  
APPEALS &  
INTERFERENCES  
JUL 28 2004

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

LETTER

Sir:

Applicant submits herewith a copy of a Reply Brief and Request for Oral Hearing previously filed on May 10, 2004 for the above-identified application in which the Board has informed us that they never received. Also attached is a copy of check number 2592 in the amount of \$290.00 which was submitted as payment for the Request for Oral Hearing and a copy of the return-receipt postcard stamped by the Patent Office mailroom.

Entry of the Reply Brief and the Request for Oral Hearing are respectfully requested at this time.

Date: 7/28/04

Customer No: 29858  
Brown Raysman Millstein Felder & Steiner  
900 Third Avenue  
New York, NY 10022  
Tel. (212) 895-2000  
Fax. (212) 895-2900

Respectfully Submitted,

By: 

Frederick Yu  
Reg. No. 45,251  
Attorney for Applicants

**BROWN RAYSMAN**

BROWN RAYSMAN MILLSTEIN FELDER &amp; STEINER LLP

**FACSIMILE COVER SHEET**

**From:** Frederick Yu **Date:** July 28, 2004  
**Direct Dial:** 212-895-2006 **Client/Matter #:** 3207/22US

**PLEASE DELIVER AS SOON AS POSSIBLE TO:**

	<b>Recipient</b>	<b>Company</b>	<b>Fax No.</b>	<b>Phone No.</b>
1.	Board of Patent Appeals and Interferences	U.S. Patent and Trademark Office	703-308-7952	

Total number of pages including this page: 16.

If you do not receive all the pages, please call (212) 895-2000.

**Message:**

Appeal No.: 2004-1787

U.S. Patent Application Serial No.: 09/348,774

Filed: July 7, 1999

For: PRESCRIPTION DATA PROCESSING SYSTEM FOR DETERMINING  
NEW THERAPY STARTS**Enclosures:**

- 1) Letter to PTO
- 2) Copy of transmittal form
- 3) Copy of fee transmittal form
- 4) Copy of Reply Brief
- 5) Copy of Request for Oral Hearing
- 6) Copy of check number 2592
- 7) Copy of return-receipt postcard stamped by PTO mailroom
- 8) Copy of Board of Patent Appeals and Interferences Docketing Notice

BOARD OF PATENT  
APPEALS &  
INTERFERENCES  
JUL 28 2004

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**BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP**

900 THIRD AVE NY NY 10022 T 212-895-2000 F 212 895-2900 brownraysman.com

BRMFS1510481v1

Please type a plus sign (+) inside this box → ☒

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

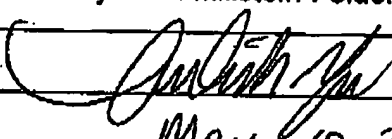
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/348,774
	Filing Date	July 7, 1999
	First Named Inventor	KLEINFELTER
	Group Art Unit	3626
	Examiner Name	Robert W. Morgan
Total Number of Pages in This Submission	Attorney Docket Number	3207/22US


**ENCLOSURES** (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<b>Reply Brief</b> <b>Request for Oral Hearing</b> <b>Check for \$290.00</b>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Remarks	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Frederick Yu Brown Raysman Millstein Felder & Steiner LLP
Signature	
Date	May 10, 2004

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: <b>May 10, 2004</b>			
Typed or printed name	Frederick Yu, Reg. No. 45,251		
Signature		Date	May 10, 2004

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (10-01)

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Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 290.00

## Complete if Known

Application Number 09/348,774  
Filing Date 07/07/1999  
First Named Inventor KLEINFELTER  
Examiner Name Robert W. Morgan  
Group Art Unit 3626  
Attorney Docket No. 3207/22US

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 02/4270

Deposit Account Name

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

Total Claims Independent Claims Multiple Dependent

Extra Claims Fee from below Fee Paid

-20\*\* = X

-3\*\* = X

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119*	320*	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	280.00
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 290.00

## SUBMITTED BY

Name (Print/Type)	Frederick Yu	Registration No. (Attorney/Agent)	45,251	Complete (if applicable)	
Signature	<i>Frederick Yu</i>	Telephone	(212)895-2000	Date	05/10/2004

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